

Effective September 1, 2017.

**LICENSING AND REGULATION OF PROVIDERS OF DRIVER
AND TRAFFIC SAFETY EDUCATION**

CHAPTER 584

S.B. No. 848

AN ACT

relating to the licensing and regulation of providers of driver and traffic safety education.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 1001.055(a), (a-1), and (a-2), Education Code, are amended to read as follows:

(a) The department shall provide to each licensed or exempt driver education school and to each parent-taught course provider approved under this chapter driver education certificates or certificate numbers to enable the school or approved parent-taught course provider to ~~[print and]~~ issue department-approved driver education certificates to certify completion of an approved driver education course and satisfy the requirements of Sections 521.204(a)(2), Transportation Code, 521.1601, Transportation Code, as added by Chapter 1253 (H.B. 339), Acts of the 81st Legislature, Regular Session, 2009, and 521.1601, Transportation Code, as added by Chapter 1413 (S.B. 1317), Acts of the 81st Legislature, Regular Session, 2009.

(a-1) A certificate ~~[printed and]~~ issued by a driver education school or parent-taught course provider approved under this chapter must:

- (1) be in a form required by the department; and
- (2) include an identifying certificate number provided by the department that may be used to verify the authenticity of the certificate with the driver education school or approved parent-taught course provider.

(a-2) A driver education school or parent-taught course provider approved under this chapter that purchases driver education certificate numbers shall ~~issue~~ ~~[provide for the printing and issuance of]~~ original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates. The driver education school or approved parent-taught course provider shall electronically submit to the department in the manner established by the department data identified by the department relating to issuance of department-approved driver education certificates with the certificate numbers.

SECTION 2. Sections 1001.056(b), (c-1), and (g), Education Code, are amended to read as follows:

(b) The department shall provide each licensed course provider with course completion certificate numbers to enable the provider to ~~[print and]~~ issue department-approved uniform certificates of course completion.

(c-1) A course provider shall provide for the ~~[printing and]~~ issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates.

(g) A course provider shall issue a duplicate certificate by United States mail or commercial or electronic delivery. The commission by rule shall determine the amount of the fee for issuance of a duplicate certificate under this subsection.

SECTION 3. Section 1001.112, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (e) to read as follows:

(a) The commission by rule shall provide for approval of a driver education course

conducted by *the following persons with the noted relationship to* ~~[the parent, stepparent, foster parent, legal guardian, grandparent, or step-grandparent of]~~ a person who is required to complete a driver education course to obtain a Class C license:

(1) *a parent, stepparent, foster parent, legal guardian, grandparent, or step-grandparent; or*

(2) *an individual who:*

(A) *has been designated by a parent, a legal guardian, or a judge of a court with jurisdiction over the person on a form prescribed by the department;*

(B) *is at least 25 years of age or older;*

(C) *does not charge a fee for conducting the course;*

(D) *has at least seven years of driving experience; and*

(E) *otherwise qualifies to conduct a course under Subsection (a-1).*

(a-1) The rules must provide that the student driver spend a minimum number of hours in classroom and behind-the-wheel instruction and that the person conducting the course:

(1) possess a valid license for the preceding three years that has not been suspended, revoked, or forfeited in the past three years for an offense that involves the operation of a motor vehicle;

(2) has not been convicted of:

(A) criminally negligent homicide; or

(B) driving while intoxicated *in the past seven years; and*

(3) ~~is not disabled because of mental illness; and~~

~~[(4)]~~ does not have six or more points assigned to the person's driver's license under Subchapter B, Chapter 708, Transportation Code, at the time the person begins conducting the course.

(e) The department may not charge a fee for the submission of proof of completion of the course or passage of an examination under Subsection (c).

SECTION 4. Section 1001.202(b), Education Code, is amended to read as follows:

(b) A driving safety school may use multiple classroom locations to teach a driving safety course if each location:

~~[(1)]~~ is approved by the ~~[parent school and the]~~ department;

~~[(2)]~~ ~~has the same name as the parent school; and~~

~~[(3)]~~ ~~has the same ownership as the parent school].~~

SECTION 5. Section 1001.204(b), Education Code, is amended to read as follows:

(b) The department shall approve an application for a driver education school license if the application is submitted on a form approved by the executive director, includes the fee, and on inspection of the premises of the school, it is determined that the school:

(1) has courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the courses, curricula, and instruction are offered;

(2) has adequate space, equipment, instructional material, and instructors to provide training of good quality in the classroom and behind the wheel;

(3) has instructors who have adequate educational qualifications and experience;

(4) provides to each student before enrollment:

(A) a copy of:

(i) the refund policy;

(ii) the schedule of tuition, fees, and other charges; and

(iii) the regulations relating to absence, grading policy, and rules of operation and conduct; and

(B) the department's name, mailing address, telephone number, and Internet website address for the purpose of directing complaints to the department;

(5) maintains adequate records as prescribed by the department to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(6) on completion of training, issues each student a certificate indicating the course name and satisfactory completion;

(7) complies with all county, municipal, state, and federal regulations, including fire, building, and sanitation codes and assumed name registration;

(8) is financially sound and capable of fulfilling its commitments for training;

(9) ~~has owners and instructors who are of good reputation and character;~~

~~[(10)]~~ maintains and publishes as part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the school at any time before completion;

(10) ~~[(11)]~~ does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department;

(11) ~~[(12)]~~ does not use a name similar to the name of another existing school or tax-supported educational institution in this state, unless specifically approved in writing by the executive director;

(12) ~~[(13)]~~ submits to the department for approval the applicable course hour lengths and curriculum content for each course offered by the school;

(13) ~~[(14)]~~ does not owe an administrative penalty for a violation of this chapter; and

(14) ~~[(15)]~~ meets any additional criteria required by the department.

SECTION 6. Section 1001.205(b), Education Code, is amended to read as follows:

(b) The department shall approve an application for a driving safety school license if the application is submitted on a form approved by the executive director, includes the fee, and on inspection of the premises of the school, the department determines that the school:

(1) has driving safety courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the course, curricula, and instruction are developed by the course provider;

(2) has adequate space, equipment, instructional material, and instructors to provide training of good quality;

(3) has instructors who have adequate educational qualifications and experience;

(4) maintains adequate records as prescribed by the department to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(5) complies with all county, municipal, state, and federal laws, including fire, building, and sanitation codes and assumed name registration;

(6) ~~has owners and instructors who are of good reputation and character;~~

~~[(7)]~~ does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department;

(7) ~~[(8)]~~ does not use a name similar to the name of another existing school or tax-supported educational establishment in this state, unless specifically approved in writing by the executive director;

(8) ~~[(9)]~~ maintains and uses the approved contract and policies developed by the course provider;

- (9) ~~[(10)]~~ does not owe an administrative penalty for a violation of this chapter;
- (10) ~~[(11)]~~ will not provide a driving safety course to a person for less than \$25; and
- (11) ~~[(12)]~~ meets additional criteria required by the department.

SECTION 7. Section 1001.206(b), Education Code, is amended to read as follows:

(b) The department shall approve an application for a course provider license if the application is submitted on a form approved by the executive director, includes the fee, and on inspection of the premises of the school the department determines that:

(1) the course provider has an approved course that at least one licensed driving safety school is willing to offer;

(2) the course provider has adequate educational qualifications and experience;

(3) the course provider will:

(A) develop and provide to each driving safety school that offers the approved course a copy of:

(i) the refund policy; and

(ii) the regulations relating to absence, grading policy, and rules of operation and conduct; and

(B) provide to the driving safety school the department's name, mailing address, telephone number, and Internet website address for the purpose of directing complaints to the department;

(4) a copy of the information provided to each driving safety school under Subdivision (3) will be provided to each student by the school before enrollment;

(5) not later than the 15th working day after the date a person successfully completes the course, the course provider will issue and deliver to the person by United States mail or commercial or electronic delivery a uniform certificate of course completion indicating the course name and successful completion;

(6) the course provider maintains adequate records as prescribed by the department to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(7) the course provider complies with all county, municipal, state, and federal laws, including assumed name registration and other applicable requirements;

(8) the course provider is financially sound and capable of fulfilling its commitments for training;

(9) ~~[(the course provider is of good reputation and character;~~

~~[(10)]~~ the course provider maintains and publishes as a part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the school at any time before completion;

(10) ~~[(11)]~~ the course provider does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department;

(11) ~~[(12)]~~ the course provider does not use a name similar to the name of another existing school or tax-supported educational institution in this state, unless specifically approved in writing by the executive director;

(12) ~~[(13)]~~ the course provider does not owe an administrative penalty for a violation of this chapter; and

(13) ~~[(14)]~~ the course provider meets additional criteria required by the department.

SECTION 8. Section 1001.209(a), Education Code, is amended to read as follows:

(a) Before a license ~~[(course provider)]~~ may be issued to a course provider ~~[(a license)]~~, the course provider must provide a corporate surety bond in the amount of \$10,000 ~~[\$25,000]~~.

SECTION 9. Section 1001.304(a), Education Code, is amended to read as follows:

(a) An application to renew a driver education instructor or driving safety instructor license must include evidence of completion of continuing education [~~and be postmarked at least 30 days before the expiration date of the license~~].

SECTION 10. Section 1001.351(a), Education Code, is amended to read as follows:

(a) Not later than the 15th working day after the course completion date, a course provider or a person at the course provider's facilities shall issue and deliver by United States mail or commercial or *electronic* delivery a uniform certificate of course completion to a person who successfully completes an approved driving safety course.

SECTION 11. Section 521.205(a), Transportation Code, as amended by Chapter 567 (H.B. 2708), Acts of the 84th Legislature, Regular Session, 2015, is repealed.

SECTION 12. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed the Senate on May 4, 2017: Yeas 31, Nays 0; the Senate concurred in House amendment on May 27, 2017: Yeas 31, Nays 0; passed the House, with amendment, on May 24, 2017: Yeas 146, Nays 0, two present not voting.

Approved June 9, 2017.

Effective June 9, 2017.

A GROUNDWATER CONSERVATION DISTRICT'S USE OF ELECTRONIC FUND TRANSFERS

CHAPTER 585

S.B. No. 865

AN ACT

relating to a groundwater conservation district's use of electronic fund transfers.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 36.151(b) and (c), Water Code, are amended to read as follows:

(b) Disbursements, *other than federal reserve wire transfers or electronic fund transfers*, shall be signed by at least two directors, except the board may by resolution allow certain employees of the district, or a combination of employees and directors, to sign disbursements on behalf of the board. *The board may authorize payroll disbursements by electronic direct deposit.*

(c) The board may by resolution allow disbursements to be transferred by federal reserve wire system, *or by electronic means*, to accounts in the name of the district *or accounts not in the name of the district*.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed the Senate on April 3, 2017: Yeas 31, Nays 0; passed the House on May 24, 2017: Yeas 146, Nays 0, two present not voting.

Approved June 9, 2017.

Effective June 9, 2017.